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10 Attorneys for Plaintiff
11 SAM BENFORD

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 SAM BENFORD,

15 Plaintiff,

16 vs.

17 JIANGUO JACK DU D/B/A LA FIESTA
18 MARKET; JORGE LUIS GASTELUM;
19 and DOES 1 to 10,
20 Defendants.

Case No.: 2:23-cv-10174-WLH (AJRx)

**Plaintiff's Notice of Motion and Motion
for Default Judgment by Court**

Date: June 21, 2024
Time: 1:30 p.m.
Courtroom: 9B

Honorable Judge Wesley L. Hsu

21 To Defendant JORGE LUIS GASTELUM and the attorneys of record, if any:
22 Please take notice that on June 21, 2024, at 1:30 p.m., or as soon thereafter as this matter
23 may be heard by this Court located at 350 West First Street, Los Angeles, California,
24 Plaintiff SAM BENFORD will present Plaintiff's motion for default judgment against
25 Defendant JORGE LUIS GASTELUM. The Clerk has previously entered the default on
26 said Defendant on and April 10, 2024 (Dkt. #17).

27 At the time and place of hearing, Plaintiff will present proof of the following
28 matters: (1) Defendant JORGE LUIS GASTELUM is not a minor or incompetent person

1 or in military service or otherwise exempted under the Soldier and Sailor's Civil Relief
2 Act of 1940; (2) Defendant JORGE LUIS GASTELUM has not appeared in this action;
3 and (3) Plaintiff is entitled to judgment against said Defendant on account of the claims
4 pleaded in the complaint, to wit: a violation of the Americans with Disabilities Act, the
5 Unruh Civil Rights Act, the California Disabled Persons Act, the California's Unfair
6 Competition Act, and Negligence.

7 The Plaintiff seeks a judgment in the amount of \$4,000.00 in statutory damages,
8 \$2,745.00 in attorney's fees, and \$650.00 in costs as set forth in the attached Declaration
9 of Jason J. Kim and an Order directing the Defendant to: make alterations in such a
10 manner that, to the maximum extent feasible, the goods, services, facilities, privileges,
11 advantages, or accommodations offered by Defendant are readily accessible to and usable
12 by individuals with disabilities at the property located at or about 1905 N. Thomas St.,
13 Los Angeles, California. This motion is based on this notice, the declarations submitted
14 in support of this motion, and other matters which may be presented at the hearing.

15 Notice of the original motion for default judgment by court was served on
16 Defendant JORGE LUIS GASTELUM on May 9, 2024, by first class United States Mail,
17 postage prepaid.

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19 Dated: May 9, 2024

SO. CAL. EQUAL ACCESS GROUP

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22 By: /s/ Jason J. Kim
23 Jason J. Kim, Esq.
24 Attorneys for Plaintiff
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